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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

ELIA HAGGAR; KYO HAK CHU;
VALERIE BROOKS, individually
and on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

KMART CORPORATION, a
Michigan corporation; and DOES 1 to
10, inclusive,

Defendants.

CASE NO.: 2:19-cv-01461-AB-GJS

**MOTION FOR ENTRY OF DEFAULT
JUDGMENT AS TO DEFENDANT
KMART CORPORATION**

WILSHIRE LAW FIRM, PLC
3055 Wilshire Blvd, 12th Floor
Los Angeles, CA 90010-1137

1 Plaintiffs respectfully request that this Court enter a default judgment against
2 Defendant Kmart Corporation pursuant to Federal Rule of Civil Procedure 55(b)
3 for failure to plead or otherwise defend this action.

4 On **February 28, 2019**, Plaintiff's commenced this civil action to obtain
5 preliminary and permanent injunctive and other equitable relief for Defendants'
6 violation of 42 U.S.C. § 1281 and Unruh Civil Rights Act Cal. Civ. Code § 51(f).
7 A copy of said Complaint is attached hereto as **Exhibit A**.

8 On **March 21, 2019**, a copy of said Complaint and Summons in a Civil
9 Action were served by Plaintiffs upon Defendant Kmart Corporation's registered
10 agent. A copy of the proof of service is attached hereto as **Exhibit B**.

11 On **June 10, 2019**, after more than twenty-one days had elapsed since the
12 service of said Complaint and Summons upon Defendant, and no Answer thereto
13 having being served by Defendant, Plaintiffs filed a Request for Clerk's Entry of
14 Default Judgment. A copy of Plaintiffs Request for Clerk's Entry of Default is
15 attached hereto as **Exhibit C**.

16 On **June 13, 2019**, the Court entered default judgment on all counts of the
17 Complaint against Defendant Kmart Corporation for their failure to defend. A copy
18 of the Default by the Clerk is attached hereto as **Exhibit D**.

19 Defendant has failed to plead or otherwise defend this action, and the
20 Plaintiffs are entitled to judgment by default against Defendant. Pursuant to the
21 provisions of Rule 55(b)(2), Federal Rules of Civil Procedure, this Court is
22 empowered to enter a default judgment against the Defendant for relief sought by
23 Plaintiffs in their complaint, and written notice of this action has been given to
24 Defendant as set forth in the declaration attached hereto as **Exhibit E**.

25 Wherefore, Plaintiff requests this Court enter a judgment of default against
26 Defendant in the amount of Five Million Dollars (\$5,000,000.00). This amount
27 shall become immediately due and payable by Defendants upon entry of this Order,
28

1 and interest computed at the rate prescribed under 28 U.S.C. § 1961, as amended,
2 shall immediately begin to accrue on the unpaid balance.

3 This case's damages are according to the Unruh Civil Rights Act, Cal. Civ.
4 Code §§ 51, *et seq.* which award a statutory minimum damage of \$4,000 per offense
5 per person pursuant to section 52(a). For example, in *National Federation of The*
6 *Blind, et al., v. Target Corporation*, 2008 WL 4177568 (N.D.Cal.), the settlement
7 fund was of \$6,000,000 for payment of damage claims to members of the California
8 subclass. The value of this judgment is calculated even below that.

9 For the foregoing reasons, Plaintiffs respectfully request that the Court enter
10 a default judgment against Defendant pursuant to Federal Rule of Civil Procedure
11 55(b).

12
13 Dated: August 1, 2019

Respectfully Submitted,

14
15
16 /s/ Thiago M. Coelho

Thiago M. Coelho

Bobby Saadian

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